

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in this case. Claims 1, 8, and 15-20 are amended by the present amendment. Amended Claims 1, 8, and 15-20 are supported by the original claims and specification<sup>1</sup>, and therefore add no new matter.

In the outstanding Office Action, the drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5). The specification was objected to for informalities. Claims 1, 3-6, 15, 17, and 19 were rejected under 35 U.S.C. §102(e) as anticipated by Miyatake et al. (U.S. Patent No. 6,466,262, herein "Miyatake"). Claims 8, 10-13, 16, 18, and 20 were rejected under 35 U.S.C. §102(b) as anticipated by Fukushima et al. (U.S. Patent No. 5,903,303, herein "Miyatake"). Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Miyatake in view of Fujita et al. (U.S. Patent No. 6,321,024, herein "Fujita"). Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Miyatake in view of Fukushima. Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Fukushima in view of Miyatake. Claim 14 was rejected under 35 U.S.C. §103(a) as unpatentable over Fukushima.

Initially, applicants and applicants' representative thank Primary Examiner Vu and Examiner Daniels for the interview held on February 15, 2005 to discuss the present case. During the interview, differences between the claimed invention and the cited references were discussed in detail, and amendments as submitted herein were discussed to clarify the discussed differences. The Examiners agreed that the claims as amended herein overcome the rejections of record.

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<sup>1</sup>See e.g. Specification at page 11, lines 8-20.

With regard to the objection to the drawings, it is respectfully noted that a description of Figure 3 is included on page 10 of the specification. (This page is missing from the image file wrapper. A copy of this page was provided at the interview.) Accordingly, the objection to the drawings is believed to be overcome.

With regard to the objection to the specification, the specification is amended to correct the noted informalities. No new matter has been added. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejection of Claim 1 as anticipated by Miyatake, the rejection is respectfully traversed.

Amended independent Claim 1 recites a digital camera comprising:

- a photographing unit which picks-up an image and obtains image data;
  - a storage control unit which stores the image data in the form of an image data file in a predetermined manner in a recording medium;
  - a reconstruction control unit which reconstructs the image data stored in said recording medium;
  - an image data processing unit which combines the image data picked-up by said photographing unit and the image data reconstructed by said reconstruction control unit to produce an image data, and makes said recording medium store the produced image data;
  - a display unit which displays the images;
  - a display control unit which makes said display unit simultaneously display the image data obtained by said photographing unit for monitoring and the image data reconstructed by said reconstruction control unit, or which makes said display unit display the image data produced by said image data processing unit; and
  - an operational instruction inputting unit which provides operational instruction signals to said photographing unit, said storage control unit, said image data processing unit, and said display control unit,
- wherein said operation instruction signals include connection position instructions input by a user to connect said image data.

Miyatake describes a digital camera configured to *automatically* form a wide view still image from a dynamic sequence of images *in real time*.<sup>2</sup> Thus, not only does Miyatake not teach that image data is combined using connection position instructions input by a user, but in fact Miyatake explicitly teaches away from combining images based on user input, as a user could not provide instructions fast enough to form a wide view image from a dynamic sequence of images in real time. Consequently, it is respectfully submitted that Miyatake does not teach “connection position instructions input by a user to connect said image data,” as recited in Claim 1. Further, it is respectfully submitted that Miyatake can not properly be used in a *prima facie* case of obviousness, as Miyatake teaches away from the present invention. Accordingly, it is respectfully submitted that Claim 1 (and Claims 2-7 dependent therefrom) is patentable over Miyatake.

As Claims 8 and 15-20 recite similar features to Claim 1, it is further respectfully submitted that Claims 8 and 15-20 (and Claims 9-14 dependent therefrom) also patentably define over Miyatake.

With regard to the rejection of Claim 8 as anticipated by Fukushima, the rejection is respectfully traversed.

Amended independent Claim 8 recites a digital camera comprising:

- a photographing unit which picks-up an image and obtains image data;
- a storage control unit which stores the image data in the form of an image data file in a predetermined manner in a recording medium;
- a reconstruction control unit which reconstructs the image data stored in said recording medium;
- an image data processing unit which combines the image data picked-up by said photographing unit and the image data reconstructed by said reconstruction control unit to produce an image data, and makes said recording medium store the produced image data;
- a display unit which displays the images;

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<sup>2</sup>See Miyatake, Abstract.

a display control unit which makes said display unit simultaneously display the image data obtained by said photographing unit for monitoring and the image data reconstructed by said reconstruction control unit, or which makes said display unit display the image data produced by said image data processing unit; and

an operational instruction inputting unit which provides operational instruction signals to said photographing unit, said storage control unit, said image data processing unit, and said display control unit;

wherein said photographing unit includes a plurality of CCDs which simultaneously pick-up an image of same or a plurality of objects and obtain a plurality of image data, said display control unit can make said display unit simultaneously display the plurality of image data obtained by said photographing unit, and said operation instruction signals include connection position instructions input by a user to connect said image data.

Fukushima discloses a multi-eye image pickup apparatus that includes two switches.

Switch 2 selects between a panorama photography mode and a stereoscopic photography mode. Switch 3 selects either photography start or photography stop.<sup>3</sup> However, it is respectfully submitted that Fukushima does not teach or suggest “an operational instruction inputting unit which provides operational instruction signals to said photographing unit ...wherein ... said operation instruction signals include connection position instructions input by a user to connect said image data,” as recited in Claim 8. Accordingly, it is respectfully submitted that Claim 8 (and Claims 9-14 dependent therefrom) is patentable over Fukushima.

As Claims 15-20 recite similar features to Claim 8, it is further respectfully submitted that Claims 15-20 also patentably define over Fukushima.

With regard to the rejection of Claim 2 as unpatentable over Miyatake in view of Fujita, it is noted that Claim 2 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above.

With regard to the rejection of Claim 7 as unpatentable over Miyatake in view of Fukushima, it is noted that Claim 7 is dependent from Claim 1, and thus is believed to be

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<sup>3</sup>See Fukushima, column 3, lines 11-17 and Figure 1.

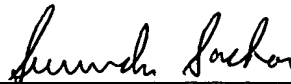
patentable for at least the reasons discussed above. Further, it is respectfully submitted that Fukushima does not cure any of the above-noted deficiencies of Miyatake. Accordingly, it is respectfully submitted that Claim 7 is patentable over any combination of Miyatake and Fukushima.

With regard to the rejection of Claim 9 as unpatentable over Fukushima in view of Miyatake, it is noted that Claim 9 is dependent from Claim 8, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Miyatake does not cure any of the above-noted deficiencies of Fukushima. Accordingly, it is respectfully submitted that Claim 9 is patentable over any combination of Fukushima and Miyatake.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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